IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23339 of 2004

Between:

Dr.K.Bhaskar Rao, S/o.K.V.N.Avadani, Professor and Head of the Department, Micro Biology, Kakatiya Medical College, Warangal, Warangal District.

..... PETITIONER

AND

1 The Govt. of Andhra Pradesh rep.by its Principal Secretary, Health, Medical and Family Welfare (A1)Department, Secretariat Buildings, Hyderabad.
2 The Director of Medical Education, Koti, Hyderabad.
3 Dr.G.Sai Gopal, O/o.The Director of Medical Education, Koti, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Hon'ble Administrative Tribunal in not suspending the G.O. Rt.No.1015 Health, Medical & Family Welfare (A1) Department, dt.19th Novemeber, 2004 issuing orders in favour of the 3rd Respondent for In-charge arrangements for the post of Director of Medical Education, A.P., Hyderabad and consequently direct the 1st Respondent to recall the G.O.Rt.No.1015 Health, Medical & Family Welfare (A1) Department, dt.19th November, 2004 and continue the petitioner with the in-charge arrangements of the post of Director of Medical Education, A.P., Hyderabad.

Counsel for the Petitioner: MR.Y.V.RAVI PRASAD

Counsel for the Respondents: GP FOR SERVICES-I.

The Court at the stage of admission made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed challenging the order passed by the A.P. Administrative Tribunal (for short Tribunal) in O.A.No.6357 of 2004 in refusing to grant interim suspension of the order passed by the Government in G.O.RT.No.1015, Health, Medical & Family Welfare (A1) Department, dated 19th November, 2004.

2. The learned counsel for the petitioner vehemently submits that in refusing to grant the interim order, the very purpose of his filing the O.A. is frustrated and that the petitioner is entitled to be promoted as Director of Medical Education with reference to the various orders issued by the Government from time to time. Therefore, he submits that the order of the Government dated 19.11.2004 shall be suspended pending adjudication of the O.A. by the Tribunal.

3. We have also heard the learned Government Pleader for Services-I.

4. Inasmuch as the Tribunal refused to grant interim direction and it is nearly one month after the Government has passed the order, we are not inclined to interfere with the same. However, we find that the OA has to be disposed of by the Tribunal at an early date.

5. Accordingly while dismissing the Writ Petition at the admission stage, the Tribunal is directed to dispose of O.A.No.6357 of 2004 on merits within a period of three (03) weeks from the date of receipt of a copy of this order. No costs.

(G.BIKSHAPATHY, J.)

17th December, 2004.

(P.S.NARAYANA, J.)

SSR

Issue copy in three days.

(BO)

To

1 The Principal Secretary, Health, Medical and Family Welfare
(A1)Department, Govt. of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Director of Medical Education, Koti, Hyderabad.
3 Dr.G.Sai Gopal, O/o.The Director of Medical Education, Koti, Hyderabad.

4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

5 2CCs to G.P. for Services-I, High Court of A.P. Hyderabad (OUT)

6 2CD copies.